BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL, BANGALORE.

Dated 30th November 1977

PRESENT :

Sri Nazir Ahmed, B.A., B.L.,

Presiding Officer.

A.I. D. No. 13 of 1975.

First Party :—Workmen of Malaprabha Co-operative Sugar Factory M. K. Hubli, District Belgaum, represented by the President, Malaprabha Sakkare Karkhane Karmikara Sangha, M.K. Hubli, District Belgaum.

Vs.

Second Party :—The Management of Malaprabha Co-operative Sugar Factory, M. K. Hubli, District, Belgaum, by its Chairman.

Appearances.

For I Party :—by Sri K. Ramadasan, Vice-President, Karnataka Sugar Workers' Federation, Bangalore.

For II Party :—by Sri B. C. Naik, Advocate, Bangalore.

AWARD

The Government of Karnataka by their Order No. SWL 248 (2) LLD 75 dated 3rd December 1975 have referred this dispute between the aforesaid parties for adjudication under Section 10 (1) (d) of the Industrial Dispute Act. The Points of Disputes are the following :—

Points of Dispute

"If the management justified in not paying the same rates of wages to both categories of workmen, *i.e.*, Filed Mukadums and Field Assistants, as recommended by the Wage Board ?

If not to what relief are the workmen entitled ?"

"Is the management justified in not giving the benefit of the pay scales and allowance recommended by the Second Wage Board with effect from 1st November 1971 to 30th October 1972 to the daily-rated non-permanent workmen?

If not, to what relief the workmen are entitled?"

The parties put in appearance and have filed their statements.

The claim statement of the I-Party is to the following effect. Second Party factory went into production from 8th November 1971. It has got a bright future. The II-Party had agreed to implement

the recommendations of Second Central Wage Board for Sugar Factory with effect from 1st November 1971.. This had been done at a joint meeting of employees and the Management which took place on 20th March 1972. But the implementation had not been done correctly. The Second Central Wage Board for Sugar Industries as also the First Wage Board had evolved a scheme classifying and designating the employees with reference to their duty and function and fitted them into grades and monthly scales of basic wages. The workmen with identical nature of duty are to be given the same designation and fitted into the same scale of basic wages. The functions and duties performed by the Field Assistants and the Field Mukadums are identical. The Field Mukadums work independently of the Field Assistants. The Field Assistants are classified as clerical workers and their basic wages is 137½-157-EB-5-202 whereas the Field Mukadums are classified as manual workers and put on the wage scale of 118-2-136-3-151. They are further devided into monthly rated and daily rated ones. This decision is made with the object of denying the Field Mukadums the same rate of wages and it is not justified. It is prayed that the Field Mukadums to be designated as Field Assistants and given a wage scale similar to them with effect from 1st November 1971. In respect of those persons categorised as daily rated non-permanent workmen the implementation has been made from 1st November 1972 instead of 1st November 1971; these workmen are regular seasional employes of the II-Party. They are entitled to the benefits of wage scales and allowances with effect from 1st November 1971.

The statement of the II-Party is the following effect. The factory is running at a loss. The management had agreed to implement the recommendation subject to the availability of financial resources. Production had started in the factory from 22nd January 1971. The Field Assistants are technicaly qualified persons who had undergone training in agricultural Schools for a period ranging from 1 to 2 years. They do supervisory work supervising the work of Field Mukadams and guiding the latter in the technique of Sugar Cane plantation, use of fertiliser and harvesting. The Field Mukadams are not technically trained persons. Their responsibility is less. They fit into the category 'Cane Development Kamadar' mentioned in the Wage Board recommendations and the prescribed wage scale is given to them. There is no mention of Field Assistants also in the Board recommendations but keeping in view the nature of the duties performed by them a higher scale is made available to them. The demand of Field Mukadums that they should be given the scale same as that for the Field Assistants is neither reasonable nor tenable.

The daily rate of wage is calculated on the basis of monthly rate. There is no monetary loss to the worker. There is no bar in the wage board recommendation against having daily rated workers.

The factory was a new one. It had commenced production from 22nd January 1971.. The benefits were given to the daily rated workers from 1st November 1972 in view of the financial stringency and also for the reason that the production in the year 1970-71 was only 11,470 quintals of Sugar. The demand of the worker is belated and they are deemed to have waived the same. The claim is also time-barred. The workers should have approached the state level Tripartite Machinery, which is constituted under the Wage Board Recommendation.

The case was set for evidence and it underwent a number of adjournament as the parties pleaded that a settlement was in the offing. Ultimately a settlement is reported by the parties. I have gone through the terms of settlement. The demands of the workers as set out in the reference has been quite handsomly met with by the management. A common scale of wages is available to the two categories of workers. The benefits to daily rated workers is also made available from 1st November 1971. I therefore pass an award in terms of the settlement which has been reported to me. The Settlement Deed shall be the part and parcel of this Award.

Syed Nazir Ahmed
Presiding Officer
Additional Industrial Tribunal.
Bangalore.

"Copy"

Sd/-
Manager,
Industrial Tribunal,
Bangalore.

SYED NAZIR AHMED,
Presiding Officer,
Additional Industrial Tribunal, Bangalore.

MEMORANDUM OF SETTLEMENT
BETWEEN
WORKMEN OF SHRI MALAPRABHA CO-OP. SUGAR FACTORY LTD., M. K. HUBLI
AND
THE MANAGEMENT OF SHRI MALAPRABHA CO-OP. SUGAR FACTORY LTD., M. K. HUBLI
DATED 26-10-1977

REGARDING INDUSTRIAL DISPUTE ON THE FILE OF THE ADDITIONAL INDUSTRIAL TRIBUNAL, BANGALORE AS A. I. D. 13/75

Memorandum of Settlement

Between :

I Party :—Workmen of Shri Malaprabha Co-op. Sugar Factory Ltd., M. K. Hubli.
Represented by the Malaprabha Sahakari Sakkare Karkhane Karmikara Sangha, M. K. Hubli,

and

II Party :—The Management of Shri Malaprabha Co-op. Sugar Factory Ltd., M. K. Hubli.

Short Recital of the Case

The Government of Karnataka in its Order No. SWL 248 (2) LLD 75, dated 3rd December 1975 has referred the following industrial dispute between the workmen and the Management of Shri Malaprabha Co-op. Sugar Factory Ltd., M. K. Hubli to the Addltional Industrial Tribunal, Bangalore, for adjudication which is on the file of the Tribunal as AID. 13/75 in which the points of disputes are as follows :

Points of Disputes

(i) Is the Management justified in not paying the same rates of wages to both the categories of workmen i. e. Field Mukadams and Field Assistants as recommended by the Wage Board ?

If not, to what relief the workmen are entitled ?

(ii) Is the Management justified in not giving the benefit of the pay scales and allowance recommended by the Second Central Wage Board with effect from 1st November 1971 to 31st October 1972 to the daily rated non-permanent workmen ?

If not, to what relief the workman are entitled ?

2 When the matter came up for enquiry before the Additional Industrial Tribunal both the parties to the dispute submitted to the Tribunal that they would like to settle the matter out of Court and pleaded for time which was being granted from time to time.

3 The matter under dispute came up for discussion before both the parties from time to time in connection with a general fitment of workmen into grades and scales of workmen as per the Second Central Wage Board for Sugar Industry which forms the subject matter of another settlement, and finally on the 26th October 1977 the following agreement is reached in respect of issues referred to under these proceedings.

Terms of settlement

4 Dispute No. I

The wage scales of both the Fieldmen and the Field Mukadams were discussed and it was agreed between the workmen and the Management that :

(a) The wage scales of Fieldmen should be upgraded from the scale of Rs. 137-4-157-EB-5-202 to Rs. 185-7-220-EB-8-292.

(b) The wage scales of Field Mukadams whether daily rated or monthly rated should be the same as that of the Fieldmen i. e. Rs. 185-7-220-EB-8-292.

(c) The Fieldmen and the Field Mukadams should be given the above scale of wages with effect from 1st November 1976, and

(d) The Fieldmen and the Field Mukadams, who have joined duty in the year 1969 should have their wages fixed at two stages higher in the revised scale as weightage on 1st November 1976 i. e. Rs. 199 and such of them who joined duty in the years 1970 and 1971 should have their wages fixed at one stage higher in the revised scale as weightage on 1st November 1976 i. e. Rs. 192 and the rest at the initial stage in the revised scale on 1st November 1976.

5. Dispute No. 2 :—

The workmen and the Management agree that the daily rated non-permanant workmen should get the benefit of the pay scales and allowances recommended by the Second Central Wage Board for the period from 1st November 1971 to 31st October 1972 i. e. their basic wage will be fixed at Rs. 110 plus allowances for the period they worked during the period from 1st November 1971 to 31st October 1972. It is further agreed between the parties that as a result of general revision of fitment of workers as per the recommendations of the Second Central Wage Board, a heavy financial burden has been placed on the Management, the daily rated non-permanent workers who have worked during the period from 1st November 1971 to 31st October 1972 shall be paid only 50 per cent of the arrears of wages that would accrue to them under this agreement. These arrears shall be paid in three instalments on 31st October 1977, 31st December 1977 and 31st March 1978.

6 Both the parties to the dispute agree that this settlement should be filed before the Additional Industrial Tribunal with a request that an award may be passed on the lines agreed to in this settlement.

Signed by the parties to the proceedings on the 26th day of October 1977 at M. K. Hubli.

For Workers

1 A. C. J. Dasen Solomen
President,

2 S. S. Savadatti
Vice President

For Management

1 S. V. Pati
Vice Chairman

2 A. S. Shetti
Managing Director

8 M. B. More
General Secretary.
4 S. B. Banasi
Director
5 R. S. Patil
Director

3 G. M. Topannavar
Director
4 F. D Patil
Director
5 G. G. Yamakanamardi
Director
6 S. R. Harijan
Director
7 C. S. Bikkannavar
Director
8 M. B. Patil
Director
9 V. C. Hattiholi
Director
10. G. S. Hebbalkar
Director
11 B. D. Halasagi
Director

Witnesses :
1 B. D. Angadi
Parishwad
2 H. B. Jaketi of
Tigadi

"COPY."

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Presiding Officer,
Additional Industrial Tribunal
Bangalore

Order No. SWL 369 LLA 77

Bangalore, dated the 16th February 1978.

WHEREAS by State Government Order No. SWL 248 (2) LLD 75, dated 3rd December 1975, the Industrial dispute between the workmen and the management of Malaprabha Co-operative Sugar Factory, M. K. Hubli District Belgaum, was referred to the Additional Industrial Tribunal, Bangalore for adjudication.

AND WHEREAS the Presiding Officer, Additional Industrial Tribunal, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Karnataka are pleased to direct the publication of the said award as above, in the *Karnataka Gazette.*

By Order and in the name of the President of India,
B. MANAMOHAN,
Under Secretary to Government,
Social Welfare and Labour Department.